

ZB# 07-04

Kathleen McDonald

36-1-10

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 3-26-07

ZBA
07-04
Kathleen McDonald (Ap
336 Riley Rd. - (36-1-10)

In the Matter of the Application of

KATHLEEN MCDONALD

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

#07-04

WHEREAS, KATHLEEN MCDONALD, residing at 336 Riley Road, New Windsor, N.Y. 12553, has made application before the Zoning Board of Appeals for a 62,500 square foot minimum lot area, 8 ft. side yard setback and 70 foot frontage for proposed creation of second lot at the above residence; and

WHEREAS, a public hearing was held on the 26th day of March, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Anthony Copolla, AIA appeared on behalf of the Applicant; and

WHEREAS, there was no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also required by law.

2. The evidence presented by the Applicant showed that:

(a) The property consists of a vacant lot located in a residential zone on which the applicants propose to erect a detached single family dwelling approximately 1700 square feet with an attached two car garage.

(b) The Applicant seeks a substantial variance for lot size but is seeking one side yard variance of 8 feet (of an required 40 feet) and is seeking a third variance for lot width the lot having 100 feet available and needing according to the current zoning to have 175 feet.

(c) The Applicant proposes to connect the house to be built to municipal sewer and water services.

(d) The house will be serviced by a driveway extending to Riley Road by means of a permanent easement for a driveway from this lot to Riley Road over the adjacent lot now owned by the Applicants.

(e) The Applicant will not be cutting down any trees or removing any substantial vegetation in the creation of the aforesaid one family dwelling.

(f) In constructing the one family home, the applicants will not divert the flow of water drainage or create the ponding or collection of water.

(g) This lot has been in existing for at least 24 years if not more.

(h) The lot itself is fairly level in topography.

(i) The Applicant will not build on top of nor will any building on lot 2 interfere with any easement or rights of way including but not limited to water, sewer and electrical easements.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties. The proposed lot is similar in size and nature to other lots in the neighborhood and will be improved by a one family home which will be not dissimilar to other homes in the neighborhood.

2. There is no feasible method available to the Applicant which can produce the benefits sought. The lot has been in existence and taxed as a separate tax parcel for at least 24 years.

3. The variance requested are substantial in relation to the Town regulations but nevertheless are warranted. The variance for lot area is substantial but the resulting lot will be similar in size to other lots in the neighborhood. The side area variance and lot width variance both will be consistent with the conditions of the neighborhood.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefits to the Applicants, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicants relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interest of justice will be served by allowing the granting of the requested area variance.

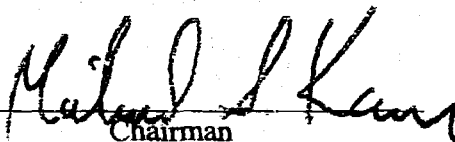
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 62,500 sq. ft. minimum lot area, 8 ft. side yard setback and 70 ft. frontage for proposed creation of second lot at the above residence as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 10, 2007


Chairman



RESULTS OF Z.B.A. MEETING OF: March 26, 2007

PROJECT: Kathleen McDonald ZBA # 07-04
P.B.# _____

USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: _____ STATEMENT OF MAILING READ INTO MINUTES ☒
VARIANCE APPROVED: M) Lu S) Lo VOTE: A _____ N _____

X
GANN A
LUNDSTROM A
LOCEY A
TORPEY A
KANE A

CARRIED: Y 5 N 0

No Public Comment

2 Letters read into minutes from neighbors - in favor

Agenda
March 26, 2007

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: January 4, 2007

**APPLICANT: Jan D. McDonald
336 Riley Road
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 1/4/07

FOR : Proposed lot line change for construction of new single family house.

LOCATED AT: 336 Riley Road

ZONE: R-3 Sec/Blk/ Lot: 36-1-10

DESCRIPTION OF EXISTING SITE: Existing one family house.

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Proposed creation of Lot #2 at 336 Riley Rd. will not meet minimum lot size, minimum side yard set-back and will not meet minimum road frontage.**


BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-3 USE: Bulk Tables			
MIN LOT AREA:	C-6 80,000 sq.ft.	17,500 sq.ft.	62,500 sq.ft.
MIN LOT WIDTH:			
REQ'D FRONT YD:			
REQ'D SIDE YD:	F-6 40ft.	32ft.	8ft.
REQ'D TOTAL SIDE TD:			
REQ'D REAR YD:			
REQ'D FRONTAGE:	H-6 70ft.	0 ft.	70ft.
MAX BLDG HT:			
FLOOR AREA RATIO:			
MIN LIVABLE AREA:			
DEV COVERAGE:			

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2006-891

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Jan and Kathy McDonald

Address 336 Riley Road New Windsor, NY 12553 Phone #

Mailing Address 336 Riley Road New Windsor, NY 12553 Fax #

Name of Architect Coppola Associates

Address 3 Washington Center 2nd Floor Newburgh NY 12550 Phone (845) 561-3559

Name of Contractor

Address _____

Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder

If applicant is a corporation, signature of duly authorized officer.
(Name and title of corporate officer)

1. On what street is property located? On the East side of Riley Road
(N,S,E or W)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated R-3 Is property a flood zone? Y N X X
3. Tax Map Description: Section 36 Block 1 Lot 10
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy 1 Dwelling _____ b. Intended use and occupancy 2 Dwellings _____
5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? No
7. Dimensions of entire new construction. Front 40' 0" Rear 40' 0" Depth 27' 4" Height _____ No. of stories 2
8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor _____
Number of bedrooms 4 Baths 2 Toilets 2 Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee _____

PLANNING BOARD

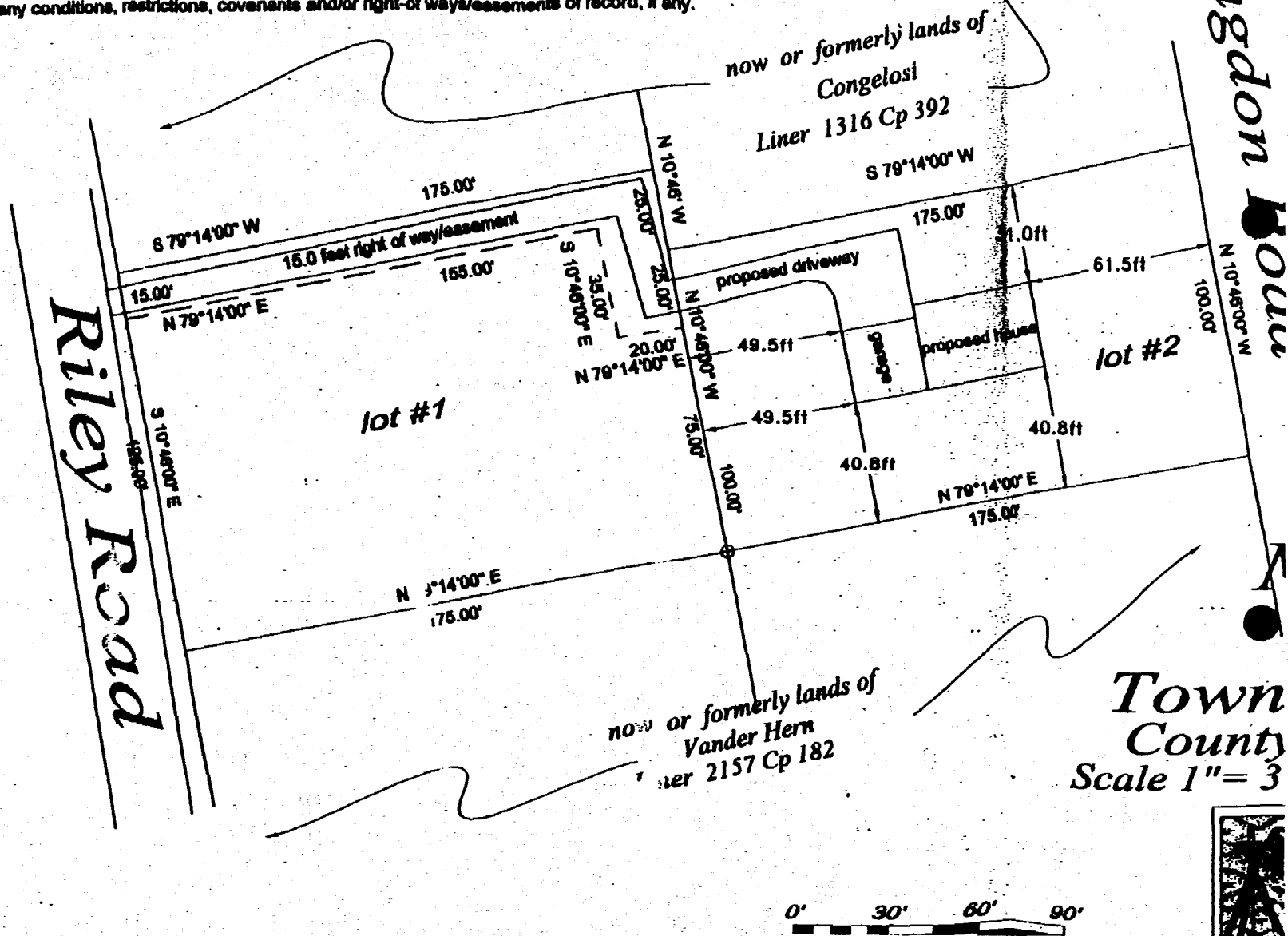
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to 50.00

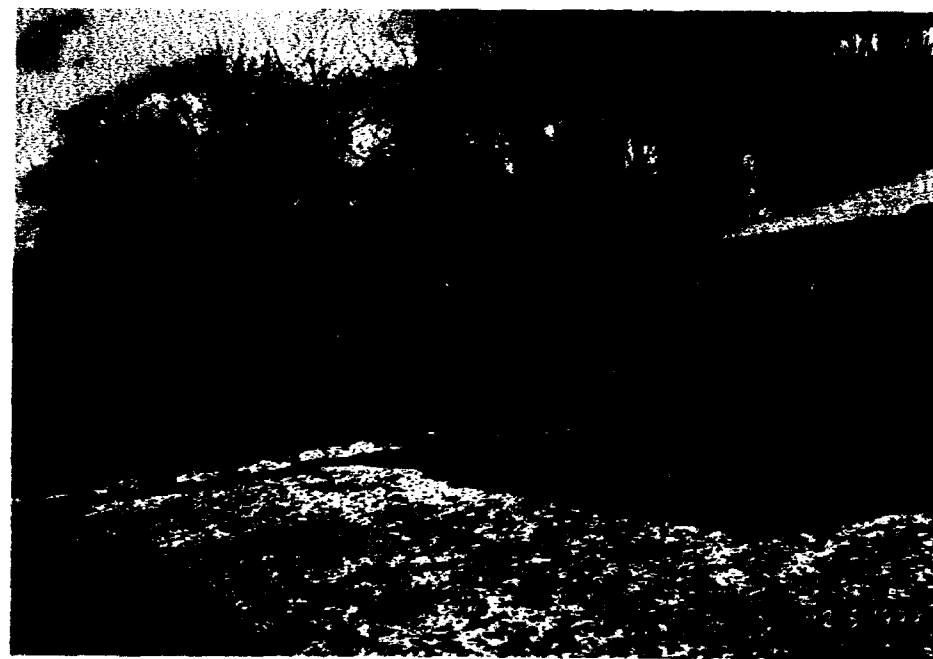
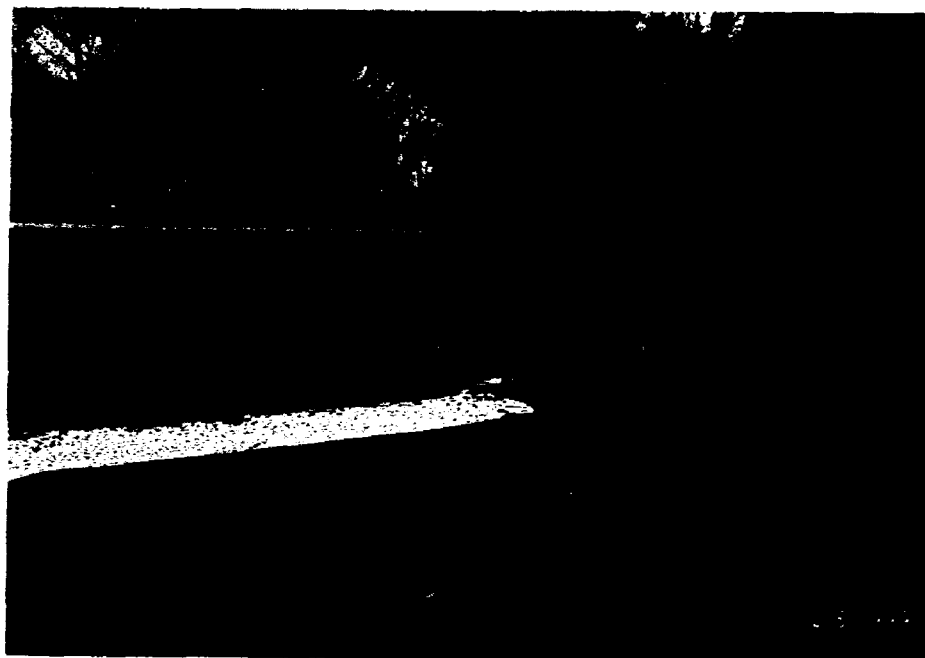
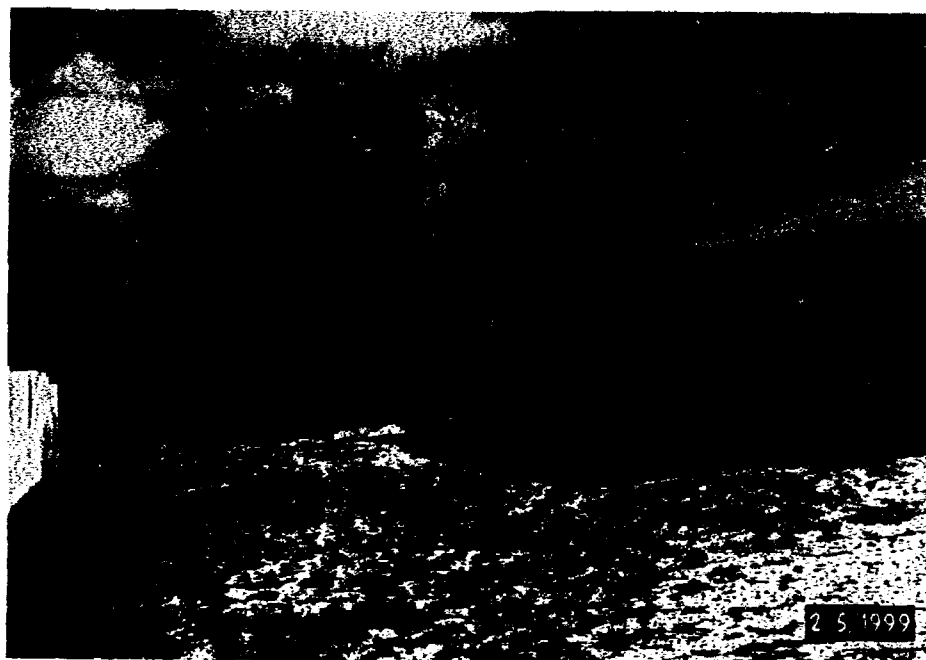
this map.

3. Surveyed as per deeds, old survey map, filed maps, physical evidence and existing monument found at the site.

4. The alteration of this survey by anyone other than the original surveyor is misleading, confusing and not in the general welfare or benefit to the new buyers. An other licensed surveyor shall not alter this survey map, plot plan or survey plat prepared by the original surveyor named. (THIS AS PER A LETTER DATED 3/26/94 FROM THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS)

5. Subject to any conditions, restrictions, covenants and/or right-of ways/easements of record, if any.





**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: OCTOBER 4, 2007
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 95.15 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #07-04

NAME & ADDRESS:

**Kathleen McDonald
336 Riley Road
New Windsor, NY 12553**

THANK YOU,

MYRA

J.F..10-04-07



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #07-04 TYPE: AREA TELEPHONE: 567-8336

APPLICANT:
Kathleen McDonald
336 Riley Road
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # 2179
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 2178

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| <u>DISBURSEMENTS:</u> | <u>MINUTES</u>       | <u>ATTORNEY</u> |
|-----------------------|----------------------|-----------------|
|                       | <u>\$7.00 / PAGE</u> | <u>FEE</u>      |

|                              |            |       |                  |                  |
|------------------------------|------------|-------|------------------|------------------|
| PRELIMINARY:                 | <u>8</u>   | PAGES | <u>\$ 56.00</u>  | <u>\$ 35.00</u>  |
| 2 <sup>ND</sup> PRELIMINARY: | <u>   </u> | PAGES | <u>\$       </u> | <u>\$       </u> |
| PUBLIC HEARING:              | <u>9</u>   | PAGES | <u>\$ 63.00</u>  | <u>\$ 35.00</u>  |
| PUBLIC HEARING:              | <u>   </u> | PAGES | <u>\$       </u> | <u>\$       </u> |

LEGAL AD: Publish Date: 3-16-07      \$ 15.85

|        |                 |                 |
|--------|-----------------|-----------------|
| TOTAL: | <u>\$134.85</u> | <u>\$ 70.00</u> |
|--------|-----------------|-----------------|

~~~~~

ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 204.85

AMOUNT DUE: \$ _____

REFUND DUE: \$ 95.15

Cc:

J.F. 10-4-07

March 26, 2007

11

PUBLIC HEARINGS:

KATHLEEN_MC_DONALD_(07-04)

MR. KANE: Request for 62,500 square foot minimum lot area, 8 ft. side yard setback and 70 foot frontage for proposed creation of second lot at 336 Riley Road.

There are many of you that came in after I spoke and on the agenda we're going to move the McDonald hearing in front of the Elks since the majority of people seem to be here for the Elks' meeting so I would call Kathleen McDonald.

Mr. Anthony Coppola appeared before the board for this proposal.

MR. KANE: Once again, since there was some people coming in late, is there anybody here for this particular hearing? Okay, thank you. You're on.

MR. COPPOLA: Thank you, Mr. Chairman. Again, what we're here to do tonight is we're proposing to use a pre-existing, non-conforming lot for Dave and Kathy McDonald, this lot is a lot that's behind their house, their house is on the Riley Road, this lot fronts on Hillingdon Road behind it.

MR. LUNDSTROM: Can I interrupt you? Can you state your name and relationship to the owner?

MR. COPPOLA: My name is Anthony Coppola, I'm the architect who's prepared the drawings. This is Kathleen McDonald, yes.

MR. MC DONALD: And I'm Jan McDonald, Kathleen's husband.

MR. COPPOLA: Sorry about that. So I believe there was probably maybe an error in the legal notice about the creation of this lot, that's definitely not the case,

this lot is a pre-existing lot, it's been in existence for the 24 years that Dave has owned the property and probably in existence long before that. So what we're proposing to do is to improve the lot to basically construct a single family house on this lot and that's going to be accomplished by doing a couple things that we're showing on the drawings, number one, an easement has already been created recently, we have created an easement that allows a new 12 foot driveway that's shown on the drawings on the north side of the existing lot and that driveway will basically be adjacent to the existing driveway. One of the things that we did do from last month is to amend the drawings to create a buffer area between the two driveways. So there's going to be some pavement removed and a five foot strip of grass planted between the existing driveway for the existing house and the proposed driveway that's going to service the new house in the rear. So there's a pre-existing easement there and then as far as the improvement of the rear lot we're going to basically do a 1 1/2 story single-family house approximately 1,700 square feet that will also have a two car garage, an attached two car garage next to it. And what we're asking for I believe is three variances, one is the size of the lot to use the lot again, it's a pre-existing lot, but that lot only has a 1,700, I'm sorry, 17,500 square feet whereas current zoning calls for 80,000 or roughly 2 acre zoning. So there's a variance for that. There's a variance for side yard setback, we're conforming with one side yard of 40 feet but the second side yard we're proposing 32 feet so there's an eight foot variance for the second side yard. And third variance we're asking for is the lot width, it's a pre-existing lot of 100 feet by 175 feet and I believe current zoning calls for lot width of 175 feet so it's a variance of 75 feet. So that's essentially what we're asking for, again, not to create this lot but to use and improve the lot, Dave has paid taxes on this lot as a separate tax parcel for these 24 years and water and sewer are available on Hillingdon

which is an unimproved road. There are water and sewer available there so that we plan on basically hooking up through the paper street effectively and that's essentially it, that's basically the nuts and bolts of what we're proposing to do. I'm going to ask Dave and Kathy to present some other information regarding some letters that they have received.

MR. KANE: Basically, the lot number 2 the one we're proposing to build on is looking like it's going to be the same setup as the existing lot is right now as far as the numbers they look very close?

MR. COPPOLA: In terms, yeah, well, the lots have already been created so the lot sizes are effectively more or less the same size, although the first lot is lot number 1 is slightly bigger but yeah in terms of setbacks you can see that existing house is probably closer I think we have 17 feet.

MR. KANE: Point being even though these numbers may look big it's not going to change the nature of the neighborhood cause it's going to look very similar to the house that's in front.

MR. COPPOLA: That's very true.

MR. KANE: Easement on the proposed driveway from lot number 1 to lot number 2?

MR. COPPOLA: Yes, we have submitted that, it's been so long, it has been created by our surveyor.

MR. KANE: Cutting down any substantial vegetation or trees and the building of the lot number 2?

MRS. MC DONALD: No.

MR. KANE: Will you be creating any water hazards or runoffs?

MR. COPPOLA: No.

MR. KANE: The lot itself fairly level, fairly flat and level being two different things?

MR. MC DONALD: Yes, relatively level.

MR. LUNDSTROM: Mr. Chairman, one question. In your opening remarks you mentioned a slight problem with the legal notice?

MR. COPPOLA: Well, I believe it's stated in there the creation of a second lot.

MR. KANE: Really the second lots are there.

MR. COPPOLA: Proposed creation of a second lot I want to be clear about that we're not creating a lot, it's a separate lot, separate section, block and lot, this lot was created 30 years ago.

MR. LUNDSTROM: Okay, if I may to the attorney, does that pose a problem for us or is that something that we can allow to continue?

MR. KRIEGER: Well, I'm somewhat mystified as to why we're dealing with a legal notice, oh, all right, as long as they ask for in the notice what they're asking for here if it contained additional items that's not a problem then that's not a problem. I do have a question with respect to the frontage, however, when you talk about 70 foot frontage, what frontage are you counting as already partially qualified?

MR. COPPOLA: Well, it's, are you talking about lot 1 or lot 2?

MR. KRIEGER: Lot 2.

MR. COPPOLA: It's a perfect, I mean, it's a perfectly rectangular lot so there's 100 feet of frontage along Hillingdon.

MR. KRIEGER: You said it's an unimproved road, you're not even putting a driveway out to Hillingdon so why should that count as the frontage?

MR. COPPOLA: I'm not even sure that we need a variance for frontage cause it's a pre-existing lot, I'm leaving that, you know, for the board to determine but like I said, it's a perfectly rectangular lot so it's 100 feet in the front, 100 feet in the back, same number either way.

MR. TORPEY: Which way is the house going to face?

MR. KRIEGER: The problem as I say it maybe the same size on both ends but it doesn't appear to front on anything, Hillingdon is not a natural roadway and it certainly doesn't have frontage on Riley so I'm not sure that you're looking at the 70 feet, I think you're looking at like having zero frontage.

MR. KANE: Seems to me we've run into this over in Beaver Dam Lake.

MS. LOCEY: I think we have also on Riley Road before too, not off Hillingdon but off other paper roads.

MR. KRIEGER: Who owns Hillingdon?

MR. COPPOLA: The Town of New Windsor I believe.

MR. TORPEY: It's got water and sewer.

MR. COPPOLA: There are houses on Hillingdon.

MRS. MC DONALD: There's like 7, I think.

MR. MC DONALD: Hillingdon is like a U-shaped road that comes off Riley on both ends so part of it.

MR. KRIEGER: If there are actual houses it's not a paper road.

MR. COPPOLA: It's unimproved.

MR. MC DONALD: It's unimproved at this extension but in farther north where it comes in off of Riley Road you have probably I don't know the exact number maybe 7, 7, 8 units, houses.

MR. COPPOLA: That was one of the things that Mike Babcock had referred us for was there's a certain number of houses that can be on that road and be on that beyond that point you're in violation, I believe.

MR. KRIEGER: If it's a private road but it's not a private road, that's why I asked who owned it.

MR. COPPOLA: Maybe that's his distinction.

MR. KRIEGER: Yeah, there's a limited number on a private road but if this is property owned by the Town it's not a private road.

MR. KANE: Well, I would think based on past experience and the way the building department wrote it up front of the house is here and they're giving 45 foot front yard setback to the garage from this point right here which is still 100 feet, so I would still consider that the front as the front setback cause I believe I'm pretty sure that's what we did in Beaver Dam Lake with a number of lots that were like that before. I think that's the way we should go.

MS. LOCEY: I agree.

MR. KANE: Anybody feel differently as far as that? So

March 26, 2007

17

we'll go with that assumption.

MS. LOCEY: Yes.

MR. KRIEGER: Now this easement for the driveway is a permanent easement?

MR. COPPOLA: Yes, it is.

MR. KRIEGER: I mean it's not revokable by anybody?

MR. COPPOLA: No, I think it's been recorded, hasn't it? I'm almost sure it has.

MR. KANE: And the house itself is only a shade over 1,700 square feet so it's not oversized for the neighborhood.

MR. COPPOLA: No.

MR. KANE: It's not changing the nature of the neighborhood and we already stated sewer and Town water so we're not talking about septic.

MR. COPPOLA: That's correct.

MR. LUNDSTROM: One question when you were here for the preliminary one of the questions asked on your plat you're showing the existing driveway heading north to the edge of the property now with the proposed driveway it's actually cutting across, are those two planned to be joined like that or are you planning on breaking them apart?

MR. COPPOLA: No, we submitted revised drawings, I'm not sure if you have that.

MR. LUNDSTROM: We did not get it, this shows--

MR. COPPOLA: Right, yeah, this was, do you see what we

did, that's deleted to address that.

MR. LUNDSTROM: Thank you.

MR. KANE: Is that going to be a paved driveway?

MR. COPPOLA: Yes.

MR. KANE: No problem with the developmental coverage?

MR. COPPOLA: I don't think.

MR. KANE: I think Mike would have caught that.

MR. COPPOLA: Yeah, usually on a single family house you're okay, I mean, provided it's not overkill.

MR. KANE: At this point, I will formally open the public portion of the meeting and ask if there's anybody here for this particular hearing? Seeing as there's not, we'll close the public portion of the hearing and ask Myra how many mailings we had.

MS. MASON: On March 6, I mailed out two addressed envelopes and had no response.

MR. MC DONALD: I do have a couple letters who are adjacent neighbors if I can just--

MR. KANE: I'll read them right into the record.

MR. MC DONALD: That's our neighbor to the north and to the side.

MR. KANE: Anthony Cascoon (phonetic), Jr., 342 Riley Road, New Windsor. Dear Mr. Chairman: I support the ZBA granting approval for the variance of the zoning local law to permit the full request as indicated in the public hearing notice for the creation of a second lot at 336, well, no, it's not creation of a second

March 26, 2007

19

lot, so noted. Carlos Gonzalez, 334 Riley Road. Dear Mr. Chairman: I support this ZBA granting approval for the variance of zoning board local law to permit the full requested as indicated in the public hearing notice for creation of a second lot, not really a creation but both noted as being approved by your neighbors. We'll add that to the record. Bring it back to the board for any further questions.

MR. LUNDSTROM: I'll make a motion that the request for the variance from the applicant, Jan McDonald on 336 Riley Road, New Windsor, New York as presented on the agenda and the paperwork we have before us be approved by this board.

MS. LOCEY: I'll second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE



THE SENTINEL

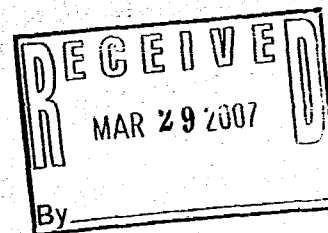
P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
3/27/2007	193

Bill To

TOWN OF NEW WINDSOR
555 UNION AVE
NEW WINDSOR, NY 12553



M.M.
P.O. No.

Terms

Project

48549

Issue Date	Description	Rate	Amount
3/16/2007	LEGAL ADS: APPEAL NO (07-04) KATHLEEN McDONALD	11.85	11.85
	1 AFFIDAVIT	4.00	4.00
		Total	\$15.85

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. (07-04)

Request of KATHLEEN McDONALD
for a VARIANCE of the Zoning Local Law to Permit:

Request for:

C2,500 s.f. Minimum Lot Area	(C-2)
8 ft. Side Yard Setback	(R-2)
70 ft. Frontage	(H-2)

for proposed creation of second lot at 336 Riley Road in an R-3 Zone (36-1-10)

PUBLIC HEARING will take place on MARCH 26, 2007 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

Michael Kane, Chairman

State of New York
County of Orange, ss:
Kathy Amanatides being duly sworn disposes and says that she is The Supervisor of Legal Dept. of the E.W. Smith Publishing Company; Inc. Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which the annexed is a true copy was published in said newspaper, 1x time(s) commencing on the 16 day of Mar A.D., 2007 and ending on the 16 day of Mar A.D. 2007

Kant

Subscribed and shown to before me this 29th day of Nov, 2007
Deborah Green
Notary Public of the State of New York
County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 07

My commission expires _____.

PRELIMINARY MEETINGS:

KATHLEEN_MC_DONALD_(07-04)

MR. KANE: Request for 62,500 square foot minimum lot area, 8 ft. side yard setback and 70 foot frontage for proposed creation of second lot at 336 Riley Road.

Mr. Anthony Coppola and Mrs. and Mrs. David McDonald appeared before the board for this proposal.

MR. KANE: In the Town of New Windsor, we hold a two meeting format for the zoning board, one is a preliminary meeting that you can tell us what you want to do and we can get a good idea and if there's anymore information that we need we can tell you that and then you can provide that to us. All decisions by law in New York State with the zoning board are done in a public hearing and that would be the second meeting. So we would tell you what we need, get an idea of what you want to do and then in the public portion of the meeting that's when we decide whether it's yes or no.

MR. LUNDSTROM: Mr. Chairman, if I may, may I ask the three people that are appearing before the board tonight to identify themselves and how they relate to the applicant?

MR. COPPOLA: Sure, my name is Anthony Coppola, I'm the architect who's prepared the plans. This is Dave McDonald and Kathy McDonald, they are the owners of the land that we're going to explain to you.

MR. LUNDSTROM: Okay, thank you.

MR. KANE: Tell us exactly what you want to do.

MR. COPPOLA: Thank you, Mr. Chairman. What we're here proposing to do is basically to develop an existing, we have an existing parcel between Riley Road and

Hellinton, we're proposing to put a new single-family house on this existing parcel. There's two parcels that we're showing on our plan here on the site plan and basically the front parcel is on Riley Road, right now that's improved, that has an existing single-family house and a two car garage and Dave McDonald owns, has owned that parcel for the past 24 years, primary house. There's a second parcel behind this which fronts on Hellinton which that portion is an unimproved road, in other words, it's I guess you would call it a paper street and basically what we're proposing is the construction of one new single family home on this second lot and it would be basically using a new proposed driveway. We have already created an easement over the front parcel so we have created a new 12 foot driveway and will access this new single-family house basically from Riley Road because Hillington is not improved. So we're asking for variances for lot size and setbacks which we have noted on our application. What we're proposing to do is basically a one and a half story Cape Cod style house that would be 40 foot by 28 foot deep and a two car garage attached to that. We'd get our utilities from Hillington, water and sewer is available I believe at that point and most of our setbacks deal with they're all shown on the drawings there, there are two side yards, I think one of the side yards we're short on it's 40 feet and we're proposing 32 feet, the size of the lots, the front lot is a half an acre that's a pre-existing non-conforming lot and this back parcel is .4 of an acre or 4/10 of an acre and that's also a pre-existing non-conforming lot as well as the distance, the 100 foot wide, basically the lot is 100, the rear lot or lot number 2 is a 100 foot wide by 175 foot deep so those are also pre-existing non-conforming so this lot was created years and years ago, over 20 years ago. It's not a new lot, it's in two different, both of these lots are two different names so it's not the same owner of record so it's not, it's definitely not, we're not trying to create a new lot, this lot is existing, it's been there

for quite some time.

MR. KANE: Taxes paid separately?

MR. COPPOLA: Exactly, we've pay taxes separately for years, we're proposing to improve the lot with a new single-family house.

MR. KANE: Can you show me on either side of that where the homes are on either side of that lot?

MR. COPPOLA: On Riley Road I believe there are homes on each side of you right now.

MR. MC DONALD: That's correct.

MR. COPPOLA: I'm indicating they would be basically the same, I think the lots are approximately the same size as the front lot, probably a half acre.

MR. BABCOCK: Actually, the lot towards 207 is quite a bit wider, the front lots 125, Anthony, the lot towards 207 is 175 and the other lot on the opposite side is 100 feet and the houses are about center, all the houses going up through there.

MR. TORPEY: Even on Hillington they're all the same size lots?

MR. BABCOCK: Yes.

MR. KANE: Let the record show that the home you're proposing to build is shade over 1,700 square feet so it's really not a large home.

MR. COPPOLA: No, it's not a large home, basically, it would be one and a half story Cape Cod style house.

MR. BABCOCK: Just for the record also the lot is 17,500 square feet when this lot was created and before

the latest zoning ordinance the lot criteria here that was 15,000 square feet with water and sewer so they would have met that so the lot size is only because of the new zoning.

MS. LOCEY: Lot number 2 has a different owner?

MR. COPPOLA: Yes.

MS. LOCEY: Yet the McDonalds are proposing to put a house on it?

MR. COPPOLA: Yes.

MS. LOCEY: So they're in contract to purchase?

MR. COPPOLA: No, you can explain.

MR. MC DONALD: It's in Kathy's name the back lot, front lot's in my name, we're proposing to build a house for her mother.

MR. KANE: How many years has it been in each one of your names the front lot and the back lot?

MR. MC DONALD: Just turned it over recently, correct, both lots have been in my name for the 24 years but recently the back lot went to Kathy and it was for the purpose of her mother for the Cape Cod. She currently resides in Clintondale and she's getting up in years, we want to bring her closer, it's about a 30 minute trip so we want to bring her closer.

MR. TORPEY: That's very nice.

MR. KANE: Will you be cutting down any substantial vegetation and trees in the building of the new home?

MR. COPPOLA: I think you'll probably lose about half of what's there by the time you put in the driveway,

February 26, 2007

7

the house, the garage and make your utility connections but we'd leave everything, we'll cut mostly around the perimeter.

MR. KANE: Create any water hazards or runoffs? How is the pitch on the land?

MR. MC DONALD: It's relatively level.

MR. COPPOLA: Yeah all that I believe we can mitigate, I don't think there's going to be any problem with runoff. It's going to be a small percentage of hard surface compared to the lot size like I said it's probably 15 or 17,000 square feet that sounds about right.

MR. LUNDSTROM: On the northern part of the parcel that fronts Riley Road are those new trees that you plan on planting?

MR. COPPOLA: Yes, they are, that we did leave and there's some proposed greenery there because there would be two driveways here, there's an existing driveway that serves the existing house and then five feet from the property line there's going to be basically a row of we'll do screening, some type of evergreen trees and then a 12 foot driveway adjacent to that and that falls within, there's already been an easement created for the purposes of both of that.

MS. LOCEY: So access is coming from Riley Road even though the front of this is on this paper road?

MR. COPPOLA: Right, even though there's frontage on Hillington.

MR. KANE: Are there any homes facing Hillington?

MR. COPPOLA: There's five on Hillington.

MR. MC DONALD: Correct, farther north I believe Hillington comes off Riley, then makes a 90 degree turn then runs parallel to Riley in a southerly direction and north to this lot I would say it could be as many as two north which are undeveloped, there's maybe four or five units back there but I really don't know the count, maybe Mike knows better.

MR. BABCOCK: I don't, they're not allowed to have more than 6 and they're at their capacity.

MR. KANE: That was going to be my question, you answered it.

MR. COPPOLA: You can see on our location map how Hillington runs around Riley, this proposal is kind of right in the middle of that U shape.

MR. KANE: And we have already discussed that it's on town water and sewer so we don't have to deal with septic or well.

MR. LUNDSTROM: On the diagram that you show there the existing driveway is the proposed driveway going to meet that? It looks like that's on your drawing.

MR. COPPOLA: Well, yeah, we'll have to do something there, probably cut a gap so that the two don't actually join, I don't think we'd want them to join but the existing driveway it does come all the way over there now, probably have a parking area.

MR. MC DONALD: Right, actually, it's like a parking area, the existing driveway comes straight back to the detached two car garage and then there's a fan out towards the north for a parking area. We would do away with that parking area and that would become part of the new driveway which would be more adjacent to the border with the northern neighbor.

February 26, 2007

9

MR. LUNDSTROM: Can I suggest for the public hearing that you make that change on the drawing so that it's not an open question?

MR. COPPOLA: Sure.

MR. KANE: Any further questions from the board? I will accept a motion.

MR. LUNDSTROM: I will move that the application of Kathleen McDonald request for the variance as stated on the agenda be allowed to proceed to public hearing.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

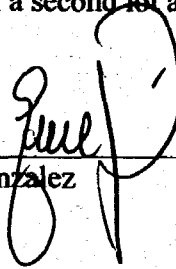
March, 23 2007

Carlos Gonzalez
334 Riley Rd.
New Windsor, NY 12553

Re: Appeal No. (07-04), Kathleen McDonald

Dear Mr. Chairman and Members of the Zoning Board of Appeals,

I support the Zoning Board of Appeals granting approval for the variance of the zoning local law to permit the full request as indicated in the public hearing notice for the creation of a second lot at 336 Riley Road in an R3 zone (36-1-10).



Carlos Gonzalez

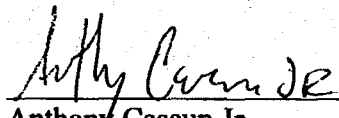
March, 23 2007

Anthony Cascun Jr.
342 Riley Rd.
New Windsor, NY 12553

Re: Appeal No. (07-04), Kathleen McDonald

Dear Mr. Chairman and Members of the Zoning Board of Appeals,

I support the Zoning Board of Appeals granting approval for the variance of the zoning local law to permit the full request as indicated in the public hearing notice for the creation of a second lot at 336 Riley Road in an R3 zone (36-1-10).



Anthony Cascun Jr.

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

KATHLEEN MC DONALD

**AFFIDAVIT OF
SERVICE
BY MAIL**

#07-04

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 6TH day of MARCH, 2007, I compared the 20 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

26th day of March, 2007

J. Gallagher
Notary Public

JENNIFER GALLAGHER
Notary Public, State of New York
No. 01GA6050824
Qualified in Orange County
Commission Expires 10/30/10

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. (07-04)

Request of KATHLEEN MC DONALD

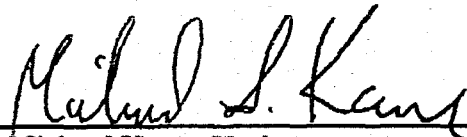
for a VARIANCE of the Zoning Local Law to Permit:

Request for:

62,500 s.f. Minimum Lot Area	(C-6)
8 ft. Side Yard Setback	(F-6)
70 ft. Frontage	(H-6)

for proposed creation of second lot at 336 Riley Road in an R-3 Zone (36-1-10)

PUBLIC HEARING will take place on MARCH 26, 2007
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.


Michael Kane, Chairman

36-1-4
LORI TETRAULT
20 HILLINGTON RD.
NEW WINDSOR, NY 12553

36-1-6, 36-1-7
MARIA LOPEZ &
RENE BONGIORNI
26 HILLINGTON RD.
NEW WINDSOR, NY 12553

36-1-8, 36-1-9
ANDREW CONGELOSI
9099 CENTRAL ST.
NICCO, FL 32976

36-1-11
HAROLD PETERSON JR.
7 WILLELLA PL.
NEWBURGH, NY 12550

36-1-12, 36-1-21
CARLOS GONZALEZ
334 RILEY RD
NEW WINDSOR, NY 12553

36-1-13.11
CARMELA HERRING
326 RILEY RD.
NEW WINDSOR, NY 12553

36-1-14, 36-1-30, 35-1-79.22
DR MOHAMMAD HALEEM &
NAJMUS SAHAR KHAN
16 GREEN BOWER LANE
NEW CITY, NY 10956

36-1-15
JOHN VILLEGAS &
SIMONE WRIGHT
70 HILLINGTON RD
NEW WINDSOR, NY 12553

36-1-16
PAULINE TOWNSEND
314 RILEY RD
NEW WINDSOR, NY 12553

36-1-18.11
ALMA GARCIA
322 RILEY RD
NEW WINDSOR, NY 12553

36-1-20
LUTHER & SADIE JONES
54 FAIRVIEW AVE
SPRING VALLEY, NY 11977

36-1-22
JAN MCDONALD
336 RILEY RD
NEW WINDSOR, NY 12553

36-1-24
ANTHONY CASCUN JR.
342 RILEY RD
NEW WINDSOR, NY 12553

36-1-25
THOMAS & ELAINE STIMPSON
346 RILEY RD
NEW WINDSOR, NY 12553

36-1-26
JOHN & BEATRICE WENER
354 RILEY RD
NEW WINDSOR, NY 12553

36-1-27
DAVID & MARIA VEGA
356 RILEY RD
NEW WINDSOR, NY 12553

36-1-28
KAREN CRISCI &
CANDICE NELSON
360 RILEY RD.
NEW WINDSOR, NY 12553

35-1-79.21
NANCY BELL
PO BOX 665
VAILS GATE, NY 12584

35-1-87
NEW YORK CITY DEPT OF E P
BUREAU OF WATER SUPPLY
465 COLUMBUS AVE SUITE 350
VALHALLA, NY 10595

35-1-88
KARTIGANER FAMILY LIMITED
PARTNERSHIP
3928 LIVE OAK BLVD.
DELRAY BEACH, FL 33445

35-1-89
CHRIS &
BERNADETTE SCHEIBLE
404 RILEY RD
NEW WINDSOR, NY 12553



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

March 1, 2007

Kathleen McDonald
336 Riley Rd.
New Windsor, NY 12553

Re: 36-1-10

ZBA#: 07-04 (20)

Dear Ms. McDonald:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00 minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/rah
Attachments

CC: Myra Mason, Zoning Board

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#114-2007

02/22/2007

McDonald Jr., Jan
336 Riley Road
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 02/22/2007. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA #07-04

RESULTS OF Z.B. MEETING OF:

February 26, 2007PROJECT: Kathleen McDonaldZBA # 07-04

P.B.# _____

USE VARIANCE:

NEED: EAF _____

PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) Lu S) IVOTE: A 5 N 0GANN A
LUNDSTROM A
LOCEY A
TORPEY A
KANE ACARRIED: Y ✓ N _____PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____
VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____.GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____.

Not creating new lot
Make change as per EricFebruary 26, 2007 Agenda



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

February 21, 2007

Kathleen McDonald
336 Riley Road
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #07-04

Dear Ms. McDonald:

This letter is to inform you that you have been placed on the February 26th, 2007 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

336 Riley Road
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

● TOWN OF NEW WINDSOR ●
REQUEST FOR NOTIFICATION LIST

CHECKED BY MYRA: 02-21-07 mm

DATE: 02-27-07 PROJECT NUMBER: ZBA# 07-04 P.B. # _____

APPLICANT NAME: Kathleen McDonald

PERSON TO NOTIFY TO PICK UP LIST:

Kathleen McDonald
336 Riley Road
New Windsor, NY 12553

TELEPHONE: 567-8336

TAX MAP NUMBER: SEC. 36 B LOCK 1 LOT 10
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 336 RILEY ROAD
NEW WINDSOR, NY

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION _____
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 2180

TOTAL CHARGES: _____



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

_____ **Application Type:** Use Variance ☐ Area Variance ☒
Date Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: (845) 567-8336
Kathleen McDonald Fax Number: ()
(Name)
336 Riley Road, New Windsor, New York 12553
(Address)

II. **Applicant:** Phone Number: (845) 567-8336
Jan and Kathleen McDonald Fax Number: ()
(Name)
336 Riley Road, New Windsor, New York 12553
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: (845) 567-8336
Jan and Kathleen McDonald Fax Number: ()
(Name)
336 Riley Road, New Windsor, New York 12553
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (845) 561-3559
Fax Number: (845) 561-2051
Anthony J. Coppola
(Name)
3 Washington Center, 2nd Floor, Maple Building, Newburgh, New York 12550
(Address)

V. **Property Information:**
Zone: R-3 Property Address in Question: _____
Lot Size: .402 acres Tax Map Number: Section 36 Block 1 Lot 10
a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? No
c. When was property purchased by present owner? 1983
d. Has property been subdivided previously? No If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? No
f. Is there any outside storage at the property now or is any proposed? No

****PLEASE NOTE:*****

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Disapproval form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	80,000 s.q. ft	17,500 s.q. ft	62,500 sq. ft.
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	40 ft	32 ft	8ft
Reqd. Rear Yd.			
Reqd. St Front*	70 ft	0 ft	70 ft
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The subject property (Hillington road lot) is being engineered for building a home
for our mother-in-law. Currently access to the lot can only be achieved via a driveway from Riley Road. (Hillington an
undeveloped, private road). A variance is being requested in order to conform with Town rules for building on the 1.4 acre
lot. Tax payments have been in good standing for 24 years. We now wish to make use of the property. We believe the ZBA
should grant our application based on the good match of the scale of the house being proposed to size of the property and
the fact that all other options have been exhausted. This propoal provides a balanced compromise that we believe both
we and the Town can accomodate.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
 - ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
 - ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
 - ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

24th day of January 2007.

Kathleen A. McDonald
Owner's Signature (Notarized)

Kathleen A. McDonald
Owner's Name (Please Print)

Deborah Green
Signature and Stamp of Notary

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4004005
Commission Expires July 15, 2007

[Signature]
Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

Kathleen McDonald, deposes and says that he resides
(OWNER)
at 336 Riley Rd. New Windsor in the County of Orange
(OWNER'S ADDRESS)
and State of New York and that he is the owner of property tax map
(Sec. 36 Block 1 Lot 10)
designation number (Sec. 36 Block 1 Lot 10) which is the premises described in
the foregoing application and that he authorizes:

Tan McDonald
(Applicant Name & Address, if different from owner)

Anthony Coppola
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 1/26/07

Sworn to before me this:

26th day of January 2007

Cheryl L. Canfield

CHERYL L. CANFIELD
Notary Public, State of New York
Qualified in Orange County
#01CA6073319

Commission Expires April 22, 2010

Signature and Stamp of Notary

**
Kathleen McDonald
Owner's Signature (MUST BE NOTARIZED)

[Signature]
Applicant's Signature (If different than owner)

Representative's Signature

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

COMPLETE THIS PAGE ☐

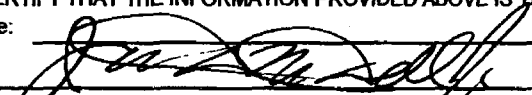
Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Jan and Kathleen McDonald	2. PROJECT NAME McDonald Site Plan
3. PROJECT LOCATION: Municipality _____ County <u>Orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Build new house on existing vacant lot. House size to be approx. 40 X 28. House to be build will be 2 floor Cape with three bedrooms.	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly To apply for Area variance	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: _____	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: _____	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: _____	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: <u>1/26/07</u> Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: No C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: NO C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: No C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: NO C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: NO C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: NO C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: NO	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:	
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:	

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.	
_____ Name of Lead Agency	_____ Date
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from responsible officer)

Project: 06-92 Mc Donald Site Plan

Zone R-3 Bulk Table (Single Family Residence)			
Lot #1			
Item	Required	Provided	Variance Requested
Lot Area	80,000	19,631 sf*	60,369 sf
Lot Width	175 ft	125 ft*	50 ft
Front Yard	45 ft	85 ft	0
Side Yard	40 ft	17 ft*	23 ft*
Rear Yard	50 ft	50 ft	0

2 Location Map

Zone R-3 Bulk Table (Single Family Residence) Lot #2			
Item	Required	Provided	Variance Requested
Lot Area	80,000	17,500 sq ft	62,500 sq ft
Lot Width	175 ft	100 ft*	75 ft
Front Yard	45 ft	61.5 ft	0
Side Yard	40 ft	31 ft*	9 ft
Rear Yard	50 ft	49.5 ft*	.5 ft

**3 Washington Center
Second Floor
Newburgh, NY 12550
TEL: 845-561-3559
FAX: 845-561-2051
coppolaassociates@verizon.net**



°PROPOSED SINGLE FAMILY
HOUSE FOR °

**Jan and Kathy
McDonald**

**Riley Road
New Windsor, NY 12550**

Site Plans and Details

REVISIONS	

DATE
1/9/07

PROJECT NUMBER
06-92

SHEET NUMBER

A1

of 1

07-04